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KEN WEBER, CHAIR

CHUCK NOTBOHM

TOM LYTHGOE

**PROCEEDING OF THE BOARD OF COMMISSIONERS  
COUNTY OF JEFFERSON, STATE OF MONTANA  
December 11, 2007**

**Present:** Commissioners Lythgoe, Notbohm and Weber; Wes Santifer, Moore and VanAllen; Andrea Sarchet, Extension Office; Joe Carter, Road Supervisor; Marga Lincoln, *Helena Independent Record*; Bob and Connie Sims

**REPORTS**

Receipt of Clerk and Recorder fees report for November.

**CALENDAR REVIEW**

12/12 Meeting regarding animal shelter – Boulder Town Hall – 4:30  
12/13 Tri-County Fire – Helena – 9:00  
Health Board – 6:30  
Library Board – 6:30  
Boulder Housing Advisory Board – 7:00

**COMMISSION REPORTS**

**LIBRARY BUILDING COMMITTEE**

Commissioner Weber noted that Commissioner Notbohm had a question about something that came through the mail related to the library building committee. He stated that there is a committee that has been formed to look at the possibility of either improving the existing Clancy Library, moving the north-end library to Montana City or elsewhere in the north end and building a new facility and any ideas that would fall in there. Commissioner Notbohm asked if we could end up with a fourth library. Commissioner Weber stated that this is a possibility or moving out of the Clancy Library and moving into a different facility. The Vivrettes have been helping the group look for property, but no decisions have been made yet. Part of the problem is that the Clancy Library needs a lot of renovation, and we don't own the building. Commissioner Notbohm asked if they have looked at purchasing the building from the school district. Commissioner Weber stated that the building itself was not offered by the school district. They spoke with Bob Klein, and he stated that they might be interested in selling the old gym, but not

the old school house. This will be an on-going committee and discussion for now.

#### WHITEHALL COMMUNITY DEVELOPMENT

Commissioner Weber reported that he attended the Whitehall community development meeting on the 6<sup>th</sup>. This is a new board that has been developed to be an advisory board to the Town Council. The committee is made up of a diverse group of people. Discussion at that meeting centered around how the board will look and what it is going to do, who will be voting members. It looks to be a good board, and is an extension of the Horizons group.

#### LEPC TRAINING

The Commission attended LEPC training on the 7<sup>th</sup> with Sally Buckles. This is part of becoming NIMS compliant under Presidential Directives 5 and 8.

#### RIO TINTO MINES

Commissioner Weber reported that he met the day before with Rio Tinto Mines, the owners of the talc mines in Three Forks and Sappington Junction. They spend money in the area and a lot of their employees come from the Whitehall area. They are working on an action plan for the mine to target where they spend their money in the community. Commissioner Weber stated that he suggested that they talk to Tom Harrington and Tara Mastel regarding the information gathered from the Horizons program.

#### SHORT TERM INVESTMENT PROGRAM

That morning, the Commission met with Bonnie and Patty regarding the STIP (Short Term Investment Program) funds. Commissioner Notbohm stated that they called the meeting because quite a few counties are pulling their money out of STIP because of the sub-prime mortgages and other reasons. There is a concern that we could lose interest, and the county is responsible for the school money too. The outcome of the meeting is that we need a finance committee – Treasurer, Clerk and Recorder, the Commission Chair and possibly several people from the financial world. This committee would potentially meet a couple times a year. One question is that if we pull our money out, where would we put it. Commissioner Lythgoe noted that the committee would be an investment committee rather than a finance committee. Investment is the key word here. Right now, the Treasurer has total control over where the money is invested. This is not a decision of the Commission, or the Clerk and Recorder and Treasurer, but is solely up to the Treasurer. Some counties do have these committees, and it makes sense to form one. Commissioner Lythgoe stated that he thinks that one reason that Commissioner Notbohm was so concerned is that some counties have pulled their money out of STIP. Commissioner Notbohm stated that about \$264 million has been pulled out, but STIP books over \$2.2 billion, so it doesn't amount to a lot. However, if counties keep pulling out, it could make a difference. The interest we earn from this is part of the county budget.

#### ITEMS FOR COMMISSIONERS ACTION OR REVIEW

#### ANDREA SARCHET - INTRODUCTION AND DISCUSSION OF DAY IN BOULDER AREA FOR EXTENSION

Andrea Sarchet, new Extension Agent, stated that she wanted to discuss having a day in Boulder. After looking at her schedule, it might be best to do a day every other week, and also be in Madison County one day a week every other week. This will allow her to be in the main office four days a week. Commissioner Weber asked Commissioner Notbohm if he heard any feedback of what day of the week would be best. Commissioner Notbohm stated that he never heard anything when people were voicing their concerns. This request was based around 4-H, so it would be best to contact them. Commissioner Weber suggested that she contact the 4-H personnel and see what day would be best.

Commissioner Lythgoe asked if this would be Boulder specific or extend up to the north end as well. Andrea stated that unless something else is going on, this would basically be a day that she would be here and available to discuss farm and ranch concerns as well as 4-H. Commissioner Lythgoe stated that he recognizes that 4-H is a part of what she does, but it is only a piece. As far as a day, he doesn't even know how she will determine that. He feels that she should just pick a day and get notice out. If it turns out that the day isn't working out, she can change it. Commissioner Weber stated that the willingness to come up and be available is a major issue with the Commission.

#### RESOLUTION 41-2007 RESOLUTION RELATING TO FREE TRADE

Wes Santifer, Moore and VanAllen, stated that he wanted to thank the Commission for considering this resolution. Commissioner Weber read the resolution as follows:

#### **RESOLUTION 41-2007**

**A RESOLUTION TO REQUEST THAT THE MONTANA GENERAL ASSEMBLY, AND THE MONTANA CONGRESSIONAL DELEGATION, ACT IN A MANNER TO STRENGTHEN MONTANA'S ECONOMY BY SUPPORTING A STRONG INTERNATIONAL TRADE POSTURE AND EFFECTIVE NATIONAL TRADE POLICIES FOR THE BENEFIT AND GROWTH OF MONTANA AGRICULTURE, TIMBER AND MANUFACTURING INDUSTRIES; TO ENSURE THAT INTERNATIONAL TRADING PARTNERS ARE HELD TO THE SAME STANDARDS TO WHICH AMERICAN COMPANIES ADHERE, AND TO TAKE SWIFT AND RESPONSIVE ACTIONS TO HALT UNLAWFUL BARRIERS TO FAIR AND FREE TRADE**

**WHEREAS**, Montana's manufactured goods, timber products and agriculture commodities and products compete with those produced around the world; and

**WHEREAS**, Montana workers, farmers and ranchers are in direct competition with producers whose governments on occasion erect unfair trade barriers to Montana products while flooding our markets with products that are illegally and unfairly subsidized and benefit from

currency manipulation; and

**WHEREAS**, Montana beef exports have been hampered by false and protracted concerns regarding Bovine Spongiform Encephalopathy, creating unwarranted and lingering barriers to the marketing of the state's beef; and

**WHEREAS**, Montana softwood lumber products have competed with imports that benefit from direct government ownership and control, resulting in the ongoing threat of layoffs to Montana workers; and

**WHEREAS**, existing bilateral and multilateral trade agreements result in protracted and counterproductive proceedings to resolve trade disputes, causing long-term economic harm to Montana's workers, farmers and ranchers while trade issues are resolved; and

**WHEREAS**, United States trade policies continue to result in the erosion of the nation's manufacturing base, with more than 3.5 million jobs lost in the past decade; and

**WHEREAS**, Montana's manufacturing workers earn an average wage of more than \$44,000 compared to the overall average wage of approximately \$29,000; and

**WHEREAS** Montana's manufacturing sector is relatively small and declining, currently employing about 21,000 people compared with 22,800 in 1999; and

**WHEREAS**, the United States trade deficit in 2006 reached an all-time record for the fifth consecutive year, exceeding \$763 billion, eroding our financial and national security;

**NOW, THEREFORE, BE IT RESOLVED**, by the Jefferson County Board of Commissioners: That the County of Jefferson, on behalf of the citizens and business of Montana by this resolution, encourage the Montana General Assembly and the Congressional Delegation of Montana to stake a strong position on behalf of fair and free trade, and against such unfair trade practices as currency manipulation, subsidies of foreign exports to American markets and the erection of unwarranted barriers to American exports of goods and services; and

**BE IT FURTHER RESOLVED**, that Montana welcomes the challenges of a global economy, provided that trade agreements are enforced equitably and that trade conflicts are resolved fairly and quickly; and

**BE IT FURTHER RESOLVED**, that the Jefferson County Board of Commissioners urges citizens of Jefferson County to support strong trade policy and act in a manner that can best help preserve, protect and defend the vital jobs and products of Jefferson County; and

**BE IT FURTHER RESOLVED**, that copies of this Resolution be send to Ambassador Susan Schwab, United States Trade Representative, the President of the United States Senate, the Speaker of the House of Representatives and the Montana Congressional Delegation.

**DATED** this 11<sup>th</sup> day of December, 2007.

**ATTEST:**

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**BONNIE RAMEY**  
**CLERK AND RECORDER**

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**KEN WEBER, CHAIR**

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**TOMAS E. LYTHGOE, COMMISSIONER**

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**CHUCK NOTBOHM, COMMISSIONER**

Commissioner Weber moved to adopt resolution 41-2007. Commissioner Notbohm seconded. The motion carried.

**BOB SIMS - UPDATE ON COMMENTS TO THE INTERIM WATER COMMITTEE**

Bob Sims stated that the first question that he needs to answer is why he is here. He invited the Commissioners from Madison, Broadwater and Jefferson County to attend the last Lower Jefferson River Watershed Council meeting to talk about what they are doing to make sure we don't outgrow our water supply. The outcome of that meeting is that the counties are doing nothing. The excuse was that this is up to DEQ. He stated that he talked to DEQ and DNRC, and neither of them are doing anything either. We are getting more and more development in the county, and all of these places need water. All of these houses can put down a well and pull 35 gallons per minute of water, and they can put down as many wells as they want if you don't connect them together. Clearly, we can't keep going like that. Bob stated that while talking to DEQ and DNRC, he found out that there is a water policy interim committee. The committee is comprised of four republicans and four democrats, who have been going around the state holding public meetings to see how the water legislation needs to be updated. He will be speaking before this committee, and he wanted to let the Commission know what his comments will be.

Bob stated that he runs a small cow-calf operation in the Boulder Valley and have surface water rights that date back to 1881. As they all know, the Boulder River is going dry earlier in the summer. If he wanted to add a quarter section of irrigated alfalfa, he wouldn't be able to get water because they are in a closed drainage due to the state allocating more than there is available. However, if he were to subdivide that same quarter section into 30 five-acre lots, there would be no problem with getting permission to put in 30 wells, which would use more water than irrigation. He asked how there can be water available for houses, but not for alfalfa. He

stated that these households would have far senior water rights than existing irrigators, as no one is going to tell a household to stop using water.

Bob stated that what DEQ does in the situation of subdivisions is look at existing wells in the area or a test well if there is one. They then try to ascertain if there is enough water in the entire subdivision to provide water for one house. Enough water is classified as 10 gallons-per-minute for one hour, 6 gallons-per-minute for two hours or 4 gallons-per-minute for four hours. They do not try to determine the impact on existing wells. Bob stated that he also wants to talk to them about the fact that County Commissioners can't do this; it has to be fixed at the state level.

Bob said that he also has come up with some potential solutions. They need to get away from the idea that surface water and ground water are different. The State of Montana has classified ground water in two ways, pre-stream and infiltration water. There is one other possible source of ground water, and that is a closed basin of water. It has been discussed if the DNRC can still issue water rights. You need to start to fix the problem before it happens. They need to restrict the amount of exempt wells to one per section. All major and minor subdivision should have central water and sewer system, and purchase water rights to get water for the subdivision. Developers should be required to provide empirical proof that the wells that they are putting in do not impact existing wells. They also need to limit the number of wells per household to one. Also need to limit the use of these wells to household use, with no irrigation for lawns, trees, etc. Bob stated that these are his comments for the committee, and the meeting is in Hamilton on January 15<sup>th</sup> and 16<sup>th</sup>.

Commissioner Notbohm asked how it is looking. Bob stated that the people in charge were excited to hear from someone with water rights. They have mainly been getting comments from realtors and developers. Commissioner Notbohm stated that they just had a subdivision go in down in the valley, and the developer put in one well that produces 11 gallons per minute. The neighboring wells aren't doing that well. He feels that they should have some way to control that, but they can't base their decision on a subdivision on lack of water. He maintains that the proof of water should be up front, rather than at the end. Bob stated that the fact that a subdivision has water should be less relevant than whose water they are taking, and where is it coming from.

Commissioner Lythgoe stated that his first point under what needs to be done, limiting exempt well density to one per section, isn't going to fly. He does have a nephew in Utah that does developments, and there you can't put in a development without buying the water rights. Bob stated that if there is only so much water, you need to allocate where it goes.

Commissioner Notbohm stated that he asked Terry Lindsey several years ago how business was going, and heard that it was going well. He asked him what he is doing, and was told that he is putting in a lot of new wells to replace old ones that have gone dry. Bob stated that the presentations that have already been given to this committee are on the computer. There is data on the number of exempt wells granted every year, and it is in the thousands.

### AWARD BID FOR LUMP GULCH ROAD BRIDGE REPLACEMENT

Commissioner Weber stated that the Commission opened the bids for the bridge replacement at the last meeting. They have since received a letter from Great West Engineering recommending that the bid be awarded to Mark Buck Construction of Missoula.

Commissioner Lythgoe moved to award the bid for the Lump Gulch Road bridge replacement to Mark Buck Construction, Inc. of Missoula. Commissioner Notbohm seconded. The motion carried.

### DISCUSS AND DECIDE ON HOW TO HANDLE CLAIMS APPROVAL FOR THE WEEKS OF DECEMBER 24<sup>TH</sup> AND 31<sup>ST</sup>

Commissioner Weber stated that this is on the agenda because the Commission approves claims on Tuesdays, and county offices will be closed on Tuesday for two weeks due to the holidays. Commissioner Notbohm stated that the Clerk and Recorder's office has claims ready on Friday afternoon, so it makes sense to do them on Monday morning.

Commissioner Weber moved to hold claims approval meetings at 9:00 a.m. on the 24<sup>th</sup> and 31<sup>st</sup> of December. Commissioner Lythgoe seconded. The motion carried.

### DISCUSS PUTTING SEARCH AND RESCUE UNDER THE UMBRELLA OF THE SHERIFF'S OFFICE WITH A FUND SOURCE OF \$20,000 TO COME FROM TITLE III FUNDS

Commissioner Weber stated that this issue came up during budget discussions this year. The Sheriff has indicated that he doesn't have a problem with this, as long as it is funded. Commissioner Lythgoe stated that he has no problem at all with putting Search and Rescue under the umbrella of the Sheriff's Office. However, he does have a problem with committing \$20,000 of Title III funds from this point on. The Title III funds are pretty limited, and this represents over half of the yearly allocation.

Commissioner Notbohm stated that he feels the same way. It isn't quite budget time yet, so he was confused to see this on the agenda at this time. He hates to see a fixed amount, but does believe that the Search and Rescue should be under the umbrella of the Sheriff's Office. In disclosure, the Sheriff is going to have to take care of the accounting for Search and Rescue and they will have to submit claims like everyone else. One of the problems he has with this is that one Search and Rescue this past year had quite a bit of their own money, if you will. It still needs to be used for Search and Rescue, but this needs to be taken into consideration.

Commissioner Weber stated that one request that Sheriff Doolittle did want to see some sort of funding source come with the Search and Rescue if we put them under his umbrella; he didn't want to have to fund them. This figure is totally arbitrary, and just something that he picked to start the discussion. Commissioner Lythgoe stated that Commissioner Notbohm's concerns are well founded. The Sheriff won't have any control of the Search and Rescue money, but the amount they have needs to be disclosed before we arbitrarily earmark a sum of money.

Commissioner Weber agreed that it is still early; he will talk to Craig about what he wants to see. His purpose was to have plenty of time to have discussion before we need to make a decision.

#### DISCUSS AND DECIDE ON SUBMITTING COMMENTS REGARDING PROPOSED ENERGY CORRIDOR

Commissioner Weber stated that this issue is one that came through the e-mail, and seemed like an appropriate use of Environomics and the expertise we have contracted with them for. Several of the proposed routes go through Jefferson County, so he is bringing this to the Commission to discuss if they feel that a comment from Jefferson County is needed. Commissioner Lythgoe stated that the information provided notes that eight-four percent of the corridors proposed and analyzed in the Draft PEIS are located on BLM- managed land and fourteen percent are on Forest Service lands. The remaining fractional percentages are on lands managed by the Department of the Interior's Fish and Wildlife Service, Bureau of Reclamation and National Park service, or b the Department of Defense. He asked if they are saying that there is no piece of this corridor that is going on private land. Commissioner Weber stated that the discussion they are having today is about if any of these proposed corridors were to happen on Forest Service, BLM or any of these lands that are agency managed, these are the corridors that these agencies prefer that the lines run. This isn't a proposal by Northwest Energy or any agency like that. This proposal was drawn up by the agencies managing the land, of where they would prefer that the lines run, if they are going to cross their lands.

Commissioner Lythgoe stated that his question is prompted by concerns of landowners that are concerned that the corridor could be on their private land. He feels that it is appropriate that someone take a look at this to make sure that the private landowners are informed and protected and that they understand the issues. Commissioner Weber stated that this proposal is different from an actual project proposal. This is an attempt by these agencies to help direct someone who might bring forward a proposal; at this point it is not a proposal. It is just the agencies saying if you are going to bring a proposal, this is where we would like to see it go. However, it may not be where Jefferson County wants to see it go and it may not be where our citizens want it to go, so that is why he thought it might be beneficial to make comments while they are still in the planning stages also.

Commissioner Lythgoe asked if the concerns of these citizens are legitimate, that some of this corridor could potentially be on private land. Commissioner Weber stated very much so; he thinks that they would probably try to follow current rights-of-way, on roads, and if you look at the map, it looks like this particular proposal tends to be on the interstates. However, some of these go through private lands. If they stay on the interstate highways, there really isn't anything that they can do.

Commissioner Lythgoe stated that he thinks that it isn't going to take much to review it. He feels that it would be appropriate to have Environomics or Atlatl look at it. Commissioner Weber stated that Atlatl would be good, with Ed's engineering background.

Commissioner Lythgoe moved to have Atlatl take a look at this and report back to the Commission with their findings. Commissioner Weber seconded, and asked if Commissioner



Lythgoe would like to designate a funding source and a spending limit. Commissioner Notbohm asked if the outfits that are proposing this could help fund part of this. He would think that under the circumstances, there will be a lot of meetings regarding this, and this is only the first round. Commissioner Lythgoe stated that the only comment he would have is consistency. He feels that they should pick someone to do it, and if they can find someone to help pay for it, that would be great. Commissioner Notbohm stated that he would be in favor of this, depending on the cost. Commissioner Weber stated that he is sure that Ed would give us a proposal, and we could contact BLM about funding in the interim. Commissioner Notbohm asked what we get from the transmission lines that currently go through the county. Commissioner Lythgoe gave figures as follows: NorthWestern Corp - \$1,191,000; Puget Sound - \$232,300; Qwest - \$157,900; Portland General Electric - \$97,839; Vista - \$71,777; Pacific Corp. - \$47,417. Commissioner Notbohm stated that the BLM and Forest Service might just tell us that we have to be kidding asking them for money. The motion carried.

Commissioner Lythgoe moved to adjourn. Commissioner Notbohm seconded. The motion carried.

## **MEETING ADJOURNED**

### **ATTEST:**

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**BONNIE RAMEY**  
**CLERK AND RECORDER**

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**KEN WEBER, CHAIR**

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**TOMAS E. LYTHGOE, COMMISSIONER**

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**CHUCK NOTBOHM, COMMISSIONER**